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Agenda item 8

HUMAN RIGHTS QUESTIONS

Austria, Bulgaria, Byelorussian Soviet Socialist Republic*, Canada, Czechoslovakia, Denmark*, Finland, Iceland*, Italy, Netherlands, New Zealand, Norway*, Poland*, Romania, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics and United Kingdom of Great Britain and Northern Ireland: draft resolution

International Covenants on Human Rights

The Economic and Social Council,

Bearing in mind its important responsibilities in relation to the coordination of activities to promote the International Covenants on Human Rights, 1/

Mindful that the International Covenants on Human Rights constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights, 2/ form the core of the International Bill of Rights,

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* In accordance with rule 72 of the rules of procedure of the Economic and Social Council.

1/ See General Assembly resolution 2200 A (XXI), annex.

2/ General Assembly resolution 217 A (III).

Recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights 1/ and the Optional Protocols to the International Covenant on Civil and Political Rights 1/ and reaffirming that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights,

Recognizing the important role of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in promoting and implementing the International Covenants on Human Rights,

Taking note with appreciation of the report of the Committee on Economic, Social and Cultural Rights on its fifth session, 3/ as well as the general comments of the Human Rights Committee adopted at its thirty-ninth session, 4/

Noting, in this regard, that a number of States Members of the United Nations have yet to become parties to the International Covenants on Human Rights,

Considering that the effective functioning of treaty bodies established in accordance with the relevant provisions of international instruments on human rights plays a fundamental role and hence represents an important continuing concern of the United Nations,

1. Reaffirms the importance of the International Covenants on Human Rights as major parts of the international effort to promote universal respect for and observance of human rights and fundamental freedoms;

2. Appeals strongly to all States that have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and to consider acceding to the Optional Protocols to the International Covenant on Civil and Political Rights;

3. Invites the States parties to the International Covenant on Civil and Political Rights to consider making the declaration provided for in article 41 of the Covenant;

4. Appeals to States parties to the Covenants that have exercised their sovereign right to make reservations in accordance with relevant rules of international law to consider whether any such reservations should be reviewed;

3/ Official Records of the Economic and Social Council, 1991, Supplement No. 3 (E/1991/23 and Corr.1).

4/ Official Records of the General Assembly, 1990, Supplement No. 40 (A/45/40), vol. I, annex VI.

5. Invites the Secretary-General to intensify the systematic efforts to encourage States to become parties to the International Covenants on Human Rights and, through the programme of advisory services in the field of human rights, to provide technical assistance to the States that are not parties to the Covenants, with a view to assisting them in ratifying or acceding to the Covenants;

6. Emphasizes the importance of the strictest compliance by States parties to the Covenants with their obligations under the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocols to the International Covenant on Civil and Political Rights;

7. Stresses the importance of avoiding the erosion of human rights by derogation and the need for strict observance of all the agreed conditions and procedures for derogation under article 4 of the International Covenant on Civil and Political Rights;

8. Welcomes the continuing efforts of the Human Rights Committee to strive for uniform standards in the implementation of the provisions of the International Covenant on Civil and Political Rights and appeals to other bodies dealing with similar questions of human rights to respect those standards as expressed in the general comments of the Human Rights Committee;

9. Welcomes also the adoption by the Committee on Economic, Social and Cultural Rights of a general comment at both its third 5/ and fourth 6/ sessions, and encourages the Committee to continue using that mechanism to develop a fuller appreciation of the obligations of States parties under the International Covenant on Economic, Social and Cultural Rights;

10. Welcomes further the fact that the Committee on Economic, Social and Cultural Rights, in its general comment on article 2 (1) of the Covenant, adopted at its fifth session 7/ dealt with the nature of States parties' obligations;

11. Invites States parties, in conformity with article 2, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights, to consider identifying benchmarks to measure achievements in the progressive realization of the rights recognized in the Covenant and, in this context, to pay particular regard to the most vulnerable and disadvantaged;

5/ Official Records of the Economic and Social Council, 1989, Supplement No. 4 (E/1989/22), annex III.

6/ Ibid., 1990, Supplement No. 3 (E/1990/23), annex III.

7/ Ibid., 1991, Supplement No. 3 (E/1991/23 and Corr.1), annex III.

12. Requests the Secretary-General to keep the Human Rights Committee and the Committee on Economic, Social and Cultural Rights informed of the relevant activities of the General Assembly, the Economic and Social Council, the Commission on Human Rights, the Commission on the Status of Women, the Subcommission on Prevention of Discrimination and Protection of Minorities, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women, the Committee against Torture, the Committee o the Rights of the Child and, where appropriate, other functional commissions of the Economic and Social Council and the specialized agencies, and to transmit the annual reports of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to all those bodies;

13. Encourages all Governments to publicize the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, in as many languages as possible, and to distribute them and make them known as widely as possible in their territories;

14. Invites States parties at their regular meetings in 1992 to consider the general comments adopted by the Human Rights Committee and the report of the Committee on Economic, Social and Cultural Rights;

15. Also decides to transmit the report of the Committee on Economic, Social and Cultural Rights to the General Assembly at its forty-sixth session for consideration under the agenda item, entitled "Human rights questions".